THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.16352 and 17937 OF 2006

DATED: 28-06-2007

W.P.No.16352 of 2006

BETWEEN

N. Muni Reddy,
S/o. N.C. Narayana Reddy,
Licencee of M/s. Power Wines,
(Gazette Sl.No.23), Ananthapur,
Ananthapur District.

...PETITIONERS

AND

The Prohibition & Excise
Commissioner, Hyderabad
and others.

...RESPONDENTS

W.P.No.17937 of 2006

BETWEEN

T. Raghunath,
S/o. Sriramulu,
Occ: Business,
Prop: M/s. Hanuman Wines,
D/No.6/941, Kanekal,
Ananthapur District.

...PETITIONER

AND

The Prohibition & Excise
Commissioner, Hyderabad
and others.

...RESPONDENTS

COMMON ORDER:

Learned counsel for the petitioners submits that the subject matter of these writ petitions is squarely covered by the judgment of this Court in W.P.No.215 of 2007 dated 01.03.2007, which has been upheld by a Division Bench of this Court in W.A.No.271 of 2007 dated 01.05.2007 holding that where the shops are sought to be relocated from one area to another and auctioned, it is not open for the Commissioner or the auctioning authorities to play joints by envisaging Rule 21 while exercising power to permit opening of outlets or shifting the shop from one area to another area.

Having regard to the facts and circumstances of the case,
the writ petitions are accordingly allowed in terms of the aforesaid judgment of the Division Bench. There shall be no order as to costs.

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V. ESWARAIAH, J

June 28, 2007
DSK